IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6915 OF 2006

Shri Hanumant Dattoba Bagade ..Petitioner

Vs.

Sau.Anjana Ramdas Tilekar ..Respondent

Mr.P.J.Pawar for the petitioner

CORAM : A.P.DESHPANDE, J

DATED : 9TH NOVEMBER, 2006

P.C.:

1. An order has been passed by the Additional Member, M.A.C.T. Pune on 12.8.04 on the application moved under section 140 of the Motor Vehicles Act awarding a sum of Rs.50,000/- towards no fault liability. The said order has been passed on the basis of F.I.R., spot panchnama, inquest panchnama etc. which prima facie shows that the deceased Mahindra Ramdas Tilekar died on account of injuries sustained in a motor accident involving the petitioner's vehicle.

2. Perused the order. No interference is

called for. Even otherwise, the learned counsel for the petitioner submits that he is depositing the said amount by way of monthly instalment and by now he claims to have deposited an amount of more than Rs.30,000/-

3. The learned counsel for the petitioner submits that if and in case he finally succeeds in establishing that the death had not occasioned on account of accident involving the petitioner's motor cycle then it should be left open for the petitioner to claim refund of the amount which is paid under the said order.

4. It is clarified that if and in case the petitioner succeeds in so establishing, he shall have liberty to move the M.A.C.T. for appropriate orders. With these observations, writ petition is summarily dismissed.

(SHRI A.P.DESHPANDE, J)